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**MARK SCHOESLER**

Representative  
**DON COX**

Representative  
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## • 9th District • 2006 Session Review

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**Serving Adams, Asotin, Garfield and Whitman counties,  
and north Franklin and south Spokane counties**

April 2006

Dear Friends,

The Legislature concluded its scheduled 60-day session March 8. Unfortunately, by adjourning a day early, the majority party effectively killed important legislation that would have passed if we had continued our work for another 24 hours. Many of us also believe taxpayers would have been better served had the Legislature adjourned without approving a supplemental budget – a budget that requires the largest spending increase in state history.

The supplemental spending plan is meant to address unanticipated changes to the 2005-2007 budget, urgent needs such as natural disasters or increases in school enrollment. What we wound up with instead was a rewrite of the 2005-07 operating budget that hikes spending more than 17 percent.

On the positive side, several of the policy priorities in The Republican *Commitment to Washington* legislative agenda were achieved, including passage of new laws to protect kids from sex offenders, provide a tax exemption on farm fuel, help needy families with energy costs, and eliminate the \$5 state park day-use fee. We also reached agreement on a landmark Columbia River Basin water resource management plan.

Another success this session was approval of a supplemental capital construction budget that provides \$63 million for projects in the 9th District, including \$10 million for the Biotechnology Life Sciences Building at WSU.

This newsletter provides more details on how we dealt with these and other issues this year. If you have questions, comments or other concerns to share with your 9th District team, please call, send an e-mail or write a letter. It's an honor and a privilege to serve you, and we welcome your ideas and opinions.

Sincerely,



Mark Schoesler  
State Senator



Don Cox  
State Representative



David Buri  
State Representative



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**DON COX**

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## Record spending increase

The 2006 supplemental budget that passed requires the biggest spending increase in state history. We opposed the record-setting proposal, which we consider excessive, irresponsible and short-sighted.

By definition, a supplemental budget is a **midcourse correction** – small adjustments that take care of emergencies



that weren't anticipated in the two-year operating budget that passed last year. Instead of fine-tuning, the majority party chose a path of spending that ignores economic realities and adds hundreds of millions of dollars to future budget obligations. Even if revenue growth remains steady at 10 percent, the 17.7 percent

spending increase in this budget would create a deficit of \$600 million or more in the next budget cycle.

**We saw in 2005 how the majority responded when revenues couldn't cover its spending choices: they raised taxes by nearly half a billion dollars.**

We also disagree with the contention that the budget leaves nearly \$1 billion in reserves. The reality is that the budget would leave an ending balance of \$216 million – less than 1 percent. The majority party's budget writers have committed to spending \$825 million of taxpayer money by funneling it into separate, unprotected checking accounts rather than leaving it in reserve. No matter how one finesses the wording, it's deferred *spending*, and that is not the same as putting it into a reserve.

It was troubling that Democrats refused to include the Republicans' lead budget writers in the conference committee negotiations. After the fact, we learned that during the closed-door meetings, the majority's budget writers removed a ban on taxpayer-funded sex-change operations.

**The key to prudent budget writing is restraint and a respect for taxpayers' money. By passing this budget, the majority party failed the citizens of Washington in that regard.**

## Clamping down on sex offenders

Republicans introduced bold sex-offender sentencing bills this year that would have made Washington's child protection laws the strictest in the nation. We didn't achieve all we had hoped for, but the Legislature took significant steps toward tighter monitoring of convicted offenders, and set minimum sentences for the worst sex crimes against children and vulnerable adults.

The cornerstone of the package that was signed into law



was **House Bill 3277**, which imposes a 25-year minimum prison term for rape of a child in the first degree, or first-degree molestation.

The downside of the new law is that while it would punish strangers who attack children, sex offenders who target members of their own family could be eligible for much shorter sentences, along with treatment. It is deeply disturbing that under this new law, more than half could escape the longer sentences.

We believe that sex predators who target family members should not be treated any differently than the rapist who is a stranger. Rape is rape, and it's even more heinous when the perpetrator lives in his victim's home.

## Capital budget funds WSU Biotech/Life Sciences Building

The 2006 state supplemental capital construction budget includes \$10 million to start construction of the Biotechnology Life Sciences Building on Washington State University's

Pullman campus. The \$63 million life sciences research lab has been WSU's top campus priority. We were deeply disappointed when funding for the project was left out of the 2005 capital budget, despite consensus support from all of Washington's public universities. And until the last days of this year's session, it looked like the project would be put on hold until the next biennium. It took all of our combined efforts to convince the committee chairman to agree to get construction on the facility underway this year.

In total, the capital spending package includes \$62.9 million for 9th District projects. The largest single appropriation is \$50 million for design and construction of a new medium-security wing at the Coyote Ridge Corrections Center. The budget also invests \$400,000 for remodeling and renovation projects at Eastern Washington University, and \$150,000 for the Garfield County Agricultural Museum in Pomeroy.

## New law gives tax relief for farm machinery, equipment

Thanks to a new law (**HB 2457**) enacted this year, farmers are now exempt from the sales and use tax on replacement parts for farm machinery and equipment.

The tax exemption covers machinery and equipment designed for the purpose of growing, raising or producing agricultural products. Co-sponsored by Reps.

Cox and Buri, the measure will provide real help to Washington farms. Farm prices have



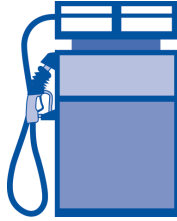
# 2006 Session Review

not kept up with increasing farming costs, so farmers often have been forced to make equipment last longer by repairing it instead of buying new equipment.

## Tax exemption on farm fuel

Under **HB 2424**, diesel fuel used by farmers for nonhighway purposes is exempt from sales and use taxes. Co-sponsored by Reps. Cox and Buri, the tax break covers diesel and aircraft fuel used for soil preparation and cultivation services, and crop harvesting services.

The new law, which went into effect March 6, is an important step toward keeping the state's agriculture-based economy sound and growing.



A component of the GOP "**Commitment to Washington**" is strengthening family farms, and we were encouraged by the bipartisan effort that's reflected in the final votes in the House and Senate.

Ninety-seven percent of the farms in Washington are family farms, and rising fuel prices hurt, particularly at harvest and planting time when growers use the most fuel. For the first time since the Great Depression the per-gallon price of diesel is more than the price of a bushel of wheat. For some farmers, the exemption will result in savings of \$2,000 to \$3,000 a year, and that can be the key to staying in business.

## Biofuels mandate could pose problems

The governor signed into law a measure (**SB 6508**) mandating that all gasoline sold in the state contain at least 2 percent ethanol, which comes from corn- or wheat-based fuel, and that 2 percent of all diesel sales comes from biodiesel. The gasoline and biofuel mandates must be implemented by December 2008. This mandate could begin sooner if the feedstock needed to produce the 2 percent biodiesel volume can come from Washington farms.

**Sen. Schoesler and Reps. Buri and Cox all voted against this measure. While the bill could have strong benefits for agriculture, as well as the economy and environment, there are serious problems with the proposal that concerned us and many other Eastern Washington legislators.**

One worry was the government mandating a certain percentage of biodiesel, which might cause fuel prices to rise at a time when farmers already have to cope with higher fuel costs. To meet this mandate, Washington farmers would need to devote up to 400,000 acres as part of a four-year rotation for the production of oilseeds, making them the state's third largest crop.

Even if farmers make the commitment to grow crops needed for biodiesel, the economics for it aren't promising. According to the Spokane Conservation Commission, Washington farmers will need to get 15 cents a gallon to make growing biodiesel profitable. Yet Canadian canola is being imported at 8-10 cents a pound today. Foreign palm oil and oil shipped from the Midwest is less expensive as well. This mandate could end up helping farmers from the Midwest or Canada more than Washington farmers.

Another concern deals with the quality of biodiesel. Minnesota suspended its biodiesel mandate after only four months when it was blamed for clogged fuel filters, engines failing to start, power loss on hills and roadside breakdowns. Unlike regular diesel, biodiesel isn't required to meet specific standards in Washington. The state trucking industry opposes mandating the use of biodiesel because it may void the manufacturer's warranty on engines, reduce fuel mileage and cost more.

A better approach would have been to use tax and other incentives, allowing the biofuels industry to develop at a pace dictated by market demands instead of a government mandate.



*Sen. Schoesler discusses biofuels at a news conference on energy issues.*

## "Odessa aquifer bill" signed into law

A measure was recently signed into law that exempts farmers in the region above the declining Odessa aquifer east of Moses Lake from the state's "use-it-or-lose-it" water law. Prime-sponsored by Sen. Schoesler, **ESSB 6151** is intended to ensure that farmers who





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are forced to switch to dryland crops – or choose not to water crops to boost the aquifer – won't lose their water rights. It also will save water for municipal water users and domestic wells.

The new law means irrigators won't be forced to deplete the aquifer's water supply. The legislation provides a 15-year 'time out' to let the aquifer recharge. The bill has a sunset date of July 1, 2021, unless water from the Columbia River management plan reaches those affected by the depleted aquifer before then.

Among its provisions, the law requires that water-right holders notify the Department of Ecology in writing within 180 days of the decision to suspend water use. Notification also is required for the choice to discontinue non-use. The new Odessa aquifer law doesn't exclude other laws regarding the non-use of water.

This bill will help save agriculture, jobs and communities in the region while a long-term irrigation solution is developed.



*Rep. Buri listens to public testimony during a meeting of the budget-writing House Appropriations Committee.*

## Columbia River water management plan enacted

Farmers and ranchers in the Columbia Basin and the communities in which they live will benefit from passage of **E2SHB 2860**, which creates a new Columbia River water resource management plan. The measure brings about a long-overdue expansion of the state's water delivery system. It is a major and historic step toward keeping Washington's top job-producing industry strong and viable, and protecting the future of rural towns throughout Central and Eastern Washington that rely on a healthy, agriculture-based economy.



This bill will help very much in providing a long-term solution to the water problems in the Odessa sub-area.

The agreement helps in the development of new water supplies for the Columbia Basin, both through construction of new storage facilities and conservation measures.

Two-thirds of the new water will be used for out-of-stream uses and one-third for in-stream purposes.

The new law:

- creates a Columbia River Basin water supply development account that is funded by \$10 million appropriated by the Legislature last year, an additional \$10 million from this year's supplemental capital budget, and an additional \$200 million in bonding authority as provided by House Bill 3316, which was recently signed into law; and
- authorizes the Department of Ecology to enter into voluntary regional agreements for new water only, and only along the Columbia River mainstem.

None of the money in the new Columbia River Basin account may be used for acquisitions or water right transfers from one part of the state to another. The Department of Ecology has been attempting to buy water rights from farmers and ranchers in north and northeastern Washington for the state's water trust and to meet needs in south and south-eastern Washington.

## Rolling back park day-use fees

The parking fee for day visits to Washington's state parks has been a lightning rod for criticism since it was first imposed in 2003. Eliminating the \$5 fee was one of the priorities in the **Republican Commitment to Washington**, and we were pleased to support it.



The unpopular fee has been a hardship on seniors, low-income families and others, and attendance has dropped off significantly. We agree with park visitors who said they feel like they are paying twice for park operations and maintenance – first through their state tax dollars and then through the additional parking fees.

It is the state's obligation to financially support its parks for the citizens of Washington, and maintenance and operation dollars ought to come from the general fund. With a \$1.6 billion surplus, getting rid of the unpopular fee is a way to give some of that back to taxpayers.

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## Legislature acts to curb phony academic degrees

The Legislature this year approved a measure (**ESHB 2507**) that cracks down on “diploma mills” and false academic credentials. The bill closes loopholes in state laws dealing with academic accreditation that have allowed diploma mills to grow in Washington.

A “diploma mill” or “degree mill” is generally defined as a substandard or fraudulent college that provides degrees to students who do little or no college-level work. Some diploma mills send a diploma to any applicant who pays a fee. Many are “virtual” schools that offer fraudulent high school and college credentials for purchase over the Internet.



The new law, signed by the governor March 27, will protect consumers and employers. Fake diplomas cheapen the credentials of those who work hard to obtain legitimate degrees. Consumers, some of whom may unwittingly get involved in these kinds of programs, suffer the consequence of having invested heavily in a degree that doesn't take them anywhere. This measure will help put a stop to that.

The measure includes language from a bill (**SB 6487**) sponsored by Sen. Schoesler that makes it a Class C felony to knowingly grant or award false academic credentials. The punishment for such crimes would be five years in prison and/or a \$10,000 fine. The penalty for knowingly using a false academic credential is a gross misdemeanor.

## Cox bill to promote hunter education becomes law

The governor has signed legislation sponsored by Rep. Cox to encourage experienced Washington outdoorsmen to volunteer as teachers in the state's Hunter Education Program. Under **SHB 2372**, the Fish and Wildlife Commission is directed to develop nonmonetary incentives for instructors, including additional hunting opportunities.

Rep. Cox introduced the bill after learning that many young people in the Spokane and Pullman areas were turned away from the hunter education course because the scheduled classes were already filled to capacity.

The hunter education course includes at least 10 hours of instruction in safety, conservation, sportsmanship, and firearm handling. Average classes involve four to six sessions and require the student to pass a written test and demonstrate firearm-handling skills. The courses are taught by volunteers, either individually or as a team, who are trained and certified by the Department of Fish and Wildlife.



Directing the department to provide some cost-free benefits to the instructors will make the demands of teaching the course more appealing. It's fair and reasonable that incentives be provided to attract new volunteers and to encourage experienced instructors to stay with the program.

## Rep. Cox to step down as 9th District legislator

After eight years in the House, Rep. Cox will retire from the Legislature at the end of his current term. A former teacher, principal, superintendent and university instructor, Don joined the 9th District team in 1999 and quickly established a reputation on both sides of the aisle for insight and leadership on education issues.

Colleagues saluted Don during a touching farewell on the House floor on the last day of session. He was commended as a principled and persuasive lawmaker, whose integrity and character earned him the trust and respect of Republicans and Democrats alike.

“With his gentle spirit and thoughtful comments, Don has seemed to me to be the ‘conscience’ of the House of Representatives,” said Rep. Buri, Don's seatmate and lifelong friend. “When Don stands up to speak, people listen. His commitment to civility, even during the most heated debates, has certainly enhanced the tone and tenor of the legislative process.”

“It's been an honor to serve the people of our district and it's been fun,” Cox remarked. “Now it's time to shift focus to spend more time with family and friends.”



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## Buri bill opens small-district teaching, school board opportunities

House Bill 2446 allows certain school and local municipal officials to be employed as substitute teachers or substitute educational aides in districts with fewer than 200 students. Signed by the governor March 20, the new law also allows substitute teachers and aides in small districts to serve on their local school boards.

The bill provides that after a formal finding by the board that there is a shortage of substitute teachers in the district, municipal officers could be offered contracts. The measure requires that salaries for the substitute teaching and aide positions comply with the district's existing pay plan or collective bargaining agreement.

Buri introduced the bill after meeting with the superintendent of the Tekoa school district, who said he was having

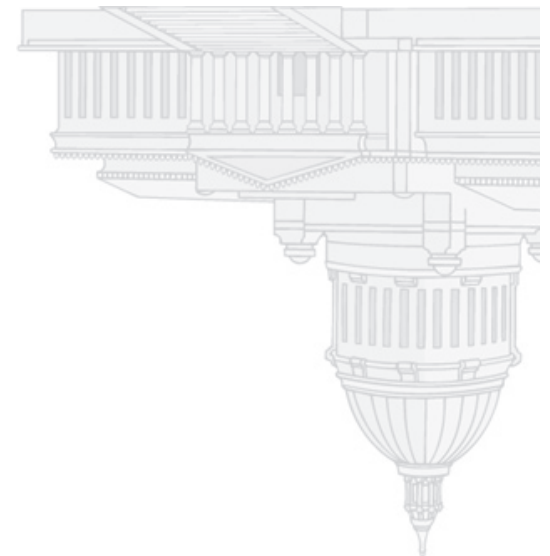


difficulty finding people to serve on the school board. A lady who volunteered in the school office and taught part-time was interested in being a board member, but as a substitute teacher, the law prevented her from serving. The new law allows small districts – like Tekoa – to tap into the qualifications, abilities and talents of local people who were disallowed from being board members.

## Primary election date moving to August

The Legislature this year passed a measure (**SB 6236**) that moves the state's primary election date from September to the third Tuesday in August. Changing the primary date will give county election departments and the secretary of state's office more time to count absentee and overseas ballots and to prepare voter pamphlets for the November election.

The change also moves the candidate filing date from the fourth week in July to the first week in June.



**2006**  
**Legislative Review**

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